EXHIBIT 4C

			34 (Pages 130 to 133)
	Page 130		Page 132
1	A No, sir.	1	should record - and I'm talking specifically about
2	Q For the ILC?	2	the admin work you were describing. Whether you
3	A No, sir.	3	should record time for the admin work you did before
4	Q Did Mr. Bethea tell you not to record that	4	your shift?
5	time?	5	A No.
6	A No, he didn't tell me not to.	6	Q And I think you said you can't recall
7 8	Q You understand it's your obligation under	7	specifically when you would have done this admin work.
9	the business conduct guidelines to record any time or anything that you record for the company, accurately;	8	You think it was maybe possibly up through 2006, so
10		10	just a couple years ago?
11	O .	11	A Right. Prior to the downturn of our department. When I say downturn, I'm referring to the
12		12	lack of volume of work that we were doing. That's the
13	whether you should record that time?	13	
14		14	Q So when you were doing the admin work, do
15		15	you have to be logged into the system to do that?
16	Q What do you mean by that?	16	A Yes.
17	A Well, if - if we were - we were required	17	Q Do you have to be logged into Avaya to do
18	to be logged in or ready at our start time, I did	18	
19	express to him a few times about, you know, coming in	19	A At that time, no.
20	early before our start time. You know, we don't get	20	Q Did you ever tell Mr. Bethen that you were
21	- you know, we don't get compensated for that. I	21	doing that work before your shift?
22	even did that in a class that we had,	22	A I can't recall.
23	Q And this was to Mr. Bethea?	23	Q Do you know if he knew you were doing that
24	A Directly to Mr. Bethea.	24	work before your shift?
25	Q Were you talking about it in the context of	25	A I can't speak for him.
	Page 131		Page 133
1	doing this administrative work before your scheduled	1	Q Let's talk about what you raised a second
2	shift time?	2	ago, that - you said you talked to Mr. Bethea about
3	A No. I zeroed in on early coming in	3	not getting paid for coming in early to make sure your
4	early to make sure our system was up so we can log in	4	tools were up. Did I say that right?
5 6	on time, especially when we had that — there was that	5	A I didn't the exact basically what
7	class, I think it was either in 2005 or 2006, and he	6	happened was, in we had a class on a new version of
8	knew I was dissatisfied with coming – requiring us to come in early.	7	Avaya coming in, and it was expressed to us that we
9	Q Let's talk about that.	8 9	should come in early to make sure everything got up
10	A Yes.	10	and everything was working correctly, and that's when I expressed that I think it's going to be a problem
11	Q Your conversation with Mr. Bethea. Before		because we have to come in early and not get paid.
12	we do, I just want to make sure I understand it. You	12	And I said that directly to Mr. Bethea, and this was
13	were not talking to him about specifically about	13	in a classroom environment.
14	this admin work?	14	Q Do you recall when this was?
15	A That's correct.	15	A Jane Jesser conducted the class. Jane, and
16	Q Did you ever talk to anyone about whether	16	the last name is J-E-S-S-E-R, maybe.
17	you should be recording time for that admin work?	17	Q But you don't recall when that was?
18	A You know, as employees we all spoke about	18	A I'm sorry. I don't know an exact date of
	it amongst ourselves. You know, about coming in	19	the class itself.
	early.	20	Q Do you know what year it was in?
21	Q Did you ever talk to a supervisor or	21	A I'm sorry I'm not - I'm not sure.
	management-level employee at IBM about whether you	22	Q Was that the first time that Mr. Bethea had
23 24	should record —	23	said that you need to come in early to make sure your
25	A I Q Let me finish the question. Whether you	24	tools are up and everything is working right?
	2 Estate musical decision: whenler you	25	A Actually, it was the instructor indicating

-			35 (Pages 134 to 137)
	Page 134		Page 136
1	what we needed to do.	1	minutes, ahead of your start time.
.2.	Q The Jesser? Jane Jesser?	2	Q And what was Mr. Bethea's response when you
3	A Right. Right. To make sure that the	3	raised the issue?
4.	system came up and so that everything would be up and		A Didn't say a word. Did not say a word.
5	available for our start time,	5	Q Who else was in that training class?
6	Q Which system?	6	A Oh, Sharrie Brown, Sabrina Costafran. I
7	A That's the workstation.	7	think - I'm trying to remember everybody who was
8	Q But this was a training class on Avaya?	8	still in the department at the time. Let's see. Joe
9	A Right. They had a new version of it coming	9	Yacowatz. Cathy Barday, B-A-R-D-A-Y. I'm trying to
10		10	think of who else. I apologize. I don't - I'm not
11		11	" · · · · ·
12	· · · · · · · · · · · · · · · · · · ·	12	Q Was it - was the training to IBM Teach
13	physically do it on the phone versus having to bring	13	personnel?
14		14	A Yes.
15	* * * * * * * * * * * * * * * * * * * *	15	Q Jane Jesser, is she still with IBM? Do you
16		16	know?
17	the fact that there was this new rollout of a new	17	A I believe so, yes, sir.
18 19	version of Avaya?	18	Q Was she in the Atlanta call center?
20	A No. That that was expected that was	19	A She was one of the lead persons for the
21	every day. Q And the instructor said that?	20	they call it telephony, it's just like it sounds.
22		21	Telephony group.
23	Q Had anyone told you that before?	23	Q Was she talking in the context of coming in
24	A We'd been doing it already, so — but this	24	early about any of the metrics like schedule adherence
25	was really - how can I explain it? This was actually	25	or the DOR? Anything like that? A No, sir. Not not that I remember. I
	Page 135		Page 137
1	we always we had been doing it already, because	. 4	
2		1	apologize. I don't remember the class. I just
	Inal's the way we had to do it to make sure we would	2	ramamhar the citietion
3	that's the way we had to do it to make sure we would get on-line and up — available on time	2	remember the situation.
3	get on-line and up - available on time.	3	remember the situation. Q Was it in the Atlanta call center? The
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(Pages 138 to 141) Page 138 Page 140 you recognize this e-mail? Q Let me hand you what's been marked Exhibit Α Yes. 2 12. This is an e-mail from your personal address --3 Q And who is Janie? 3 Yes. A 4 A Jane is a -- again, another high school Q — or from your IBM address to your classmate. We had a - a reunion in August. personal address, attaching an e-mail from Service Pal This e-mail is -- the time on it, to you at your IBM address. Do you see that? 6 7 7:18 a.m., which is clearly before your --7 A Yes. Yes. 8 A Yes. 8 0 Do you know what this is? 9 Q - ten-to-seven shift? 9 It's just telling me that I have a package Α 10 I don't know what - I know my scheduled 10 coming. 11 time still was ten to seven at that time, but 7:18. 11 Did you do some on-line shopping from IBM? 0 either I was in there for a class or - I'm sorry. I 12 Not from IBM, but - from my home, but they don't know why I was in there that early. I'm 13 sent the notification to my IBM address. thinking that we had some kind of class or - if I'm 14 Q Do you know why if you were shopping from in that early, that's possibly what it is. 15 15 home, they would not have just sent the notification 16 Q It would be rare for you just to go to work 16 to your home address? 17 that early? A I'm thinking that when I - it has my job 17 A Once in a while, if I had like insomnia or 18 18 address. something like that, but I'm not going to be - you 19 Q Let's talk briefly about the badge know, I'm not going to try to get there too early. security badge process. To get into your floor, 21 Sometimes - I'm just trying to think here. I mean, anyway, you have an access card; right? 21 22 might have had a class. 22 A Yes. 23 Q And again for the record I'll just state. 23 0 Do they call it a badge? 24 these may have been converted to central time, so it Current, or before? Currently, or --24 very well could be 8:18. We'll clear that up. 25 because they changed some things already. Page 141 1 Yes. But still would have been way ahead 1 0 Let's talk current. of my start time, so I'm thinking either we were 2 Okay. having like a refresher class or something was going 3 First let me ask you this question. When on, or maybe that day I got up early or something. you arrive at work, how long does it take you to get 5 (Thereupon, marked for identification, from the parking lot to your chair? To your seat in Defendant's Exhibit D11.) 6 6 your cubicle? Roughly? 7 BY MR. RAY: Α Six, seven minutes. 8 Q I'm going to hand you what's been marked as 8 And currently when you - you go into the 9 Exhibit 11, and this is an e-mail. The top e-mail on 9 lobby area, and you don't -- do you need a card to get 10 Exhibit 11 is from your IBM address to your personal 10 from the lobby into the elevator bank? address, and then it attaches an e-mail chain. Do you 11 11 A No. sir. 12 recognize this? 12 Q Then you're on the fifth floor --13 A Yes. 13 14 0 And this e-mail is dated April 21 of 2008. 14 - right? You go up to the fifth floor. 15 Do you see that? 15 and again we're talking currently. Do you need your 16 A Yes. 16 access card to get into the fifth floor? 17 Would this still be in your AOL account? 17 A Yes. 18 Yes. I mean, it should be, but - I know I 18 Q To get to your cube? sent it out. Yes. This should be -- yes. It should 19 19 Α 20 be, but I can check or whatever. 20 Q And how close is your cube to the elevator 21 Q I didn't think it was possible for it to 21 bank? 22 get louder, but --22 One minute away. 23 (Thereupon, marked for identification, You said there have been some changes 23 24 Defendant's Exhibit D12.) because you asked about current or in the past. What 25 BY MR RAY: were you referring to there?

37 (Pages 142 to 145)

1 A Well, the — when we was at Teach, at one e point we had to badge in on the — in the lobby, as the force we can even get to elevators. Now they get rid of that procedure, and now you can do what — you go fight through the — the front desk, and then you ently have before we used to badge in on the — in the lobby, and then upstairs on your main floor. 10 A No. 11 Q You can exit the building without using — 12 A No. 12 Q I want to talk about an — and available, you located with a new process of the upstairs on your main floor. 13 Q Is that correct? 14 A That's correct. 15 Q Do you have to badge in to get to the cafetain? 16 cafetain? 17 A No. 18 Q Is shere — do people ever — and I don't labout its is the right term. This is my term. 18 provigible? Where someone uses their badge and someones in behind them? 21 A I guess that hoppens, but it's against — 23 you can't do it. 22 Q You don't do it, but — I've seen people Page 143 1 period in '07 when the understanding changed as I just described it, were you aware of other people who did in '107 when the understanding changed as I just described it, were you aware of other people who did in '107 when the understanding changed as I just described it, were you aware of other people who did in '107 when the understanding changed as I just described it, were you aware of other people who did in '107 when the understanding changed as I just described it, were you aware of other people who did in '107 when the understanding changed as I just described it, were you aware of other people who did in '107 when the understanding changed as I just described it, were you aware of other people who did in '107 when the understanding changed as I just described it, were you aware of other people who doe of the words of the your chall defor. 1	1 period in '07 when the understanding changed as I just 2 described it, were you aware of other people who did 3 that? 2 point we had to badge in on the — in the lobby, 3 before we can even get to leevators. Now they got rid 4 of that procedure, and now you can do what — you go right mough the — the front desk, and then you only 6 have to badge in on the floor that you go onto, but 8 before we used to hadge in on the — in the lobby, and 8 then upstairs on your main floor. 3 Q And you dorft have to badge in 10 leave? 4 A No. 3 Q Is that correct? 4 A No. 3 Q Is that correct? 5 Q Do you faive to badge in to get to the 16 cartecries? 6 Q Do you faive to badge in to get to the 16 cartecries? 7 A No. 8 Q Is there — do people ever — and I don't 12 know if this is the right form. This is my term. 9 Piggyback? Where someone uses their badge and someone 12 conces in behind them? 10 Piggyback? Where someone uses their badge and someone 12 conces in behind them? 11 get lired for it. Those badges are cleared for 2 certain floors, so somebody could come — don't belong 2 on your floor can follow you or — follow you in. 9 Q Yes. 9 A No. No. 1 don't know any of that type of 101 information. That's security. No, sir. 1 Q We talked about — I want to go back for a minute to the kind of log-in sequence, and we talked about the fair that in '75 sometime you started, or at 1 minute to the kind of log into Avaya imituate to the kind of log-in sequence, and we talked about the fair that in '75 sometime you started, or at 1 minute to the kind of log into Avaya imituate to the kind of log-in sequence, and we talked about the fair that in '75 sometime you started, or at 1 minute to the kind of log into Avaya imituate to the kind of				37 (Pages 142 to 145)
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2 point we had to badge in on the — in the lobby, able for ever ean ever get to levators. Now they got rid of that procedure, and now you can do what — you go right through the — the front desk, and then you only bave to badge in on the for that you go onto that you go rout to badge in on the — in the lobby, and then upstairs on your main floor. 9 Q And you don't have to badge in to leave? 10 A No. 11 Q You can exit the building without using — 12 A No. 12 Q Is that correct? 13 Q Is that correct? 14 A That's correct. 15 Q Do you have to badge in to get to the 16 cafetchin? 17 A No. 18 Q Is there — do people ever — and I don't leave? 18 Is the find them? 19 You can exit the building without using — 19 Page 143 19 get fired for it. Those badges are cleared for certain floors, so somebody could come — don't belong on your floor can follow you er — follow you in. 19 Q Do you see a report of badge activity? 20 A No. I don't do it, but — I've scen people 21 A No. 22 Q You don't do it, but — I've scen people 22 A Do you see a report of badge activity? 23 A No. I don't know any of that type of information. That's security. No, sir. 19 Q Do you see a report of badge activity? 21 A No. 22 Q You don't do it, but — I've scen people 23 A No. I don't know any of that type of information. That's security. No, sir. 16 Q Do you see a report of badge activity? 26 A No. No. I don't know any of that type of information. That's security. No, sir. 27 Q We talked about — I want to go back for a minute to the kind of log-in sequence, and we talked about the fact that in '0's sometime you started, or at the least you gained the understanding were there before you logged into your tools. Did I say that right? That you did not have to wait to log in in the phone until the start of your shift? A That's correct. 20 Prior to gaining that understanding, were there before you logged into your tools? 3 you were there before you logged into your tools? 3 Yes. 3 Yes. 4 A Sare. Sare, You want to be on thing, yes.	2 point we had to badge in on the — in the lobby, a before we can even get to elevations. Now thought it brought the — the front dest, and then you only have to badge in on the floor that you go not, but before we used to badge in on the — in the lobby, and then you only have to badge in on the — in the lobby, and then upstairs on your main floor. 9 Q And you don't have to badge in to leave? 10 A No. 11 Q You can exit the building without using — 12 A No. 13 Q Is that correct? 14 A That's correct. 15 Q Do you have to badge in to get to the floor dist, but — I've seen people comes in behind them? 16 caffectian? 17 A No. 18 Q Is there — do people ever — and I don't law in the late that in the plant is sibe right term. This is my term. 19 Piggyback? Where someone uses their badge and someone comes in behind them? 20 A I guess that hoppens, but it's against — 21 Q Ou don't do it, but — I've seen people correctiant floors, so somebody could come — don't belong on information. That's security. No, sir. 10 Q Do you see a report of badge activity? 21 A No. 22 Q You don't do it, but — I've seen people correctiant floors, so somebody could come — don't belong on information. That's security. No, sir. 10 Q Do you see a report of badge activity? 21 A No. 22 Q Do you see a report of badge activity? 22 A Do you see a report of badge activity? 23 A Do I know of anybody who does? 24 A Do you see a report of badge activity? 25 A No. No. I don't know any of that type of information. That's security. No, sir. 16 Q Do you see a report of badge activity? 26 A Do you see an expert of badge activity? 27 A Do I see an outline to the kind of log-in sequence, and we talked about the fact that in "0" sometime you started, or at a minute to the kind of log-in sequence, and we talked about the fact that in "0" sometime you started, or at the report of the fact that in "0" sometime you what's been marked as Page 145 28 A Sure Sare, You don't do it, but — I've seen people activity? 29 A No. No. I don't know any of	1	A Well, the when we was at Teach, at one	1	period in 107 when the understanding changed as I just
Sefore we can even get to elevators. Now they got rid of that procedure, and now you can do what + you go right through the – the front desk, and then you only be have to badge in on the floor that you go onto, but before we used to badge in on the eline the lobby, and the unstairs on your main floor. Q And you don't have to badge in to leave? 1 did not unstairs on your main floor. 2 don't have to badge in to leave? 1 don't have to badge in to get to the cafeteria? 1 don't have badge in to get to the cafeteria? 1 don't have someone uses their badge and someone 2 don't his is the right term. This is my term. 2 don't his behind them? 2 don't his b	3 offore we can even get to elevators. Now they got rid of that proceedure, and now you can do what – you go right through the – the front desk, and then you only before we used to badge in on the floor that you go onto, but before we used to badge in on the effort he lebby, and it before that you go onto, but before we used to badge in on the effort he lebby, and it because the unstairs on your main floor. 9 Q And you don't have to badge in to leave? 10 A No. 11 Q You can exit the building without using – 12 A Ne. 13 Q Is that correct? 14 A That's correct. 15 Q Do you have to badge in to get to the carlettin? 16 carlettin? 17 A No. 18 Q Is there – do people ever – and I don't law to brind them? 19 know if this is the right term. This is my term. 20 Piggyback? Where someone uses their badge and someone 2 you can't do it. 21 Q You don't do it, Dut – I've seen people 22 A No, I don't do it, but – I've seen people 23 you cart do it. 4 Q Do you see a report of badge activity? 5 A No. 6 Q Do you know anyone who does? 7 A Do I know of anybody who does? 8 Q Yes. 9 A No. No. I don't know anyone who does? 7 A Do I know of anybody who does? 9 Q Yes talked about – I want to go back for a minute to the kind of long-in sequence, and we talked and minute to the kind of long-in sequence, and we talked and minute to the kind of long-in sequence, and we talked and minute to the kind of long-in sequence, and we talked and minute to the kind of long-in sequence, and we talked and minute to the kind of long-in sequence, and we talked and minute to the kind of long-in sequence, and we talked and minute to the kind of long-in sequence, and we talked and minute to the kind of long-in sequence, and we talked and minute to the kind of long-in sequence, and we talked and minute to the kind of long-in sequence, and we talked Q Prior to gaining that understanding, were there ser times, Mr. Seward, where you were running late and you would log into your bone plate to show the sequence of the control of the plant to	2		1 .	described it: were you aware of other people who did
d of that procedure, and now you can do what—you go right through the — the front desk, and then you only bright brings the — the front desk, and then you only brive to badge in on the floor that you go onto, but before we used to badge in on the — in the lebby, and then you don't have to badge in to leave? Q And you don't have to badge in to leave? Q And you don't have to badge in to leave? A No. It is defined from the floor that you go note, but before we used to badge in to leave? A No. It is defined from the floor that you go note, but before we used to badge in to leave? A No. It is defined from the floor that you go note, but before we used to badge in to leave? A No. It is defined from the floor that you go note, but before we used to badge in to get to the floor that correct? A That's correct. A No. It is defined from the floor that you go not leave? A No. It is defined from the floor that you go not leave? It is defined the unitary and started bringing up my system. It is leave you produced that we have not had a chance to talk about yet. I had it right in front of me until I seleve you produced that we have not had a chance to talk about yet. I had it right in front of you there, Mr. Seward? It is leave you produced that we have not had a chance to talk about yet. I had it right in front of me until I seleve you produced that we have not had a chance to talk about yet. I had it right in front of you there, Mr. Seward? It is leave you produced that we have not had a chance to talk about yet. I had it right in front of you there, Mr. Seward? It is leave you produced that we have not had a chance to talk about yet. I had it right in front of you there, Mr. Seward? It is leave you produced that we have not had a chance to talk about yet. I had it right in front of you there, Mr. Seward? It is leave you produced that we have not had a chance to talk about yet. I had it right in front of you then. It is leave you produced that we have not had yet and yet yet leave you produced th	4 A I would — nobody wanted to be late. Even bringing the — the front desk, and then you only bringth the more front desk, and then you only bring the door. I would be a few to badge in on the floor that you go onto, but before we used to badge in on the — in the lobby, and then you walk through the door. I did it once this week. I think! I got there just at 8 10 o'clock. Hogged in right away and started bringing up my system. Q And you don't have to badge in to leave? 1 1 did it once this week. I think! I got there just at 8 10 o'clock. Hogged in right away and started bringing up my system. 1 1 did it once this week. I think! I got there just at 8 10 o'clock. Hogged in right away and started bringing up my system. 1 1 did it once this week. I think! I got there just at 8 10 o'clock. Hogged in right away and started bringing up my system. 1 1 did it once this week. I think! I got there just at 8 10 o'clock. Hogged in right away and started bringing up my system. 1 1 did it once this week. I think! I got there just at 8 10 o'clock. Hogged in right away and started bringing up my system. 1 1 did it once this week. I think! I got there just at 8 10 o'clock. Hogged in right away and started bringing up my system. 1 1 did it once this week. I think! I got there just at 8 10 o'clock. Hogged in right away and started bringing up my system. 1 1 did it once this week. I think! I got there just at 8 10 o'clock. Hogged in right away and started bringing up my system. 1 1 did it once this week. I think! I got there just at 8 10 o'clock. Hogged in right away and started bringing up my system. 1 10 o'clock. Hogged in right away and started bringing up my system. 1 10 o'clock. Hogged in tight away and started bringing up my system. 1 10 o'clock. Hogged in the mail 11 to be this week. I think! I started the bringing up my system. 1 10 o'clock. Hogged in the mail 11 to believe you produced that we have not had a chance to lake bout up and the hink! I shade in the late to the and of long in the my and the my and the like the l	3		1	
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13 needed it. Is that Exhibit 12 in front of you there, 14 A That's correct. 15 Q Do you have to badge in to get to the 16 cafeteria? 17 A No. 18 Q Is there—do people ever—and I don't 19 know if this is the right term. This is my term. 20 Piggyback? Where someone uses their badge and someone 21 comes in behind them? 22 A I guess that happens, but it's against— 23 you can't do it. 24 Q You don't do it? 25 A No, I don't do it, but—I've seen people 26 Tarrian floors, so somebody could come—don't belong on your floor can follow you or—follow you in. 4 Q Do you know anyone who does? 5 A No. 6 Q Do you know anyone who does? 7 A Do I know of anybody who does? 8 Q Yes. 9 A No. I don't know any of that type of information. That's security. No, sir. 10 Q We talked about —I want to go back for a minute to the kind of log-in sequence, and we talked about the fact that in '07 sometime you started, or at least you gained the understanding that you could log in simultaneously with logging into your iools. Did I say that right? That you did not have to wait to log in the the phone until the start of your shift? 9 A That's correct. 10 Q Prior to gaining that understanding, were there ever times, Mr. Seward, where you were running there ever times, Mr. Seward, where you were running there ever times, Mr. Seward, where you were running there ever times, Mr. Seward, where you were running there ever times, Mr. Seward, where you were running there ever times, Mr. Seward, where you were running there ever times, Mr. Seward, where you were running there ever times, Mr. Seward, where you were running there ever times, Mr. Seward, where you were running there. 13 needed it. Is that Exhibit 12 in front of you there, Chief and Chief and Chief and Should it in the peter and I don't and someone defensive Exhibit 13. A Yes. Q I'm going to band you what's been marked as Pyra. Ye a Yes. Q I'm going to band you what's been marked to your home address? A That's correct. Page 143 Rededit. Is that Exhibit 12 in front of your where. I feler	13	12	_ _	1	
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15 Q Do you have to badge in to get to the 16 cafeteria? 17 A No. 18 Q Is there—do people ever—and I don't 19 know if this is the right term. This is my term. 20 Piggybacl? Where someone uses their badge and someone 21 comes in behind them? 22 A I guess that happens, but it's against— 23 you can't do it. 24 Q You don't do it? 25 A No, I don't do it, but—I've seen people 26 retain floors, so somebody could come—don't belong 3 on your floor can follow you or—follow you in. 4 Q Do you see a report of badge activity? 5 A No. 6 Q Do you know anyone who does? 7 A Do I know of anybody who does? 8 Q Yes. 9 A No. No. I don't know any of that type of information. That's security. No, sir. 10 Q We talked about—I want to go back for a minute to the kind of log-in sequence, and we talked about the fact that in '07 sometime you started, or at least you gained the understanding that you could log into voavay simultaneously—you could log into Avaya 16 simultaneously—you could log into Avaya 17 A Sure. Sure. You want to be on time, yes. 18 A Yes. 19 Q Nin going to band you what's been marked as 'Pis Mr. RAY: 19 Q I'm going to band you what's been marked as 'Pis Mr. RAY: 19 Q I'm going to band you what's been marked as 'Pis Mr. Ray: 19 Q I'm going to band you what's been marked as 'Pis Mr. Ray: 10 Q You don't do it? 22 A Yes. 23 You don't do it? 24 A Yes. 25 A That's correct. 26 A That's correct. 27 A Yes. 28 Q Yes. 29 A No. No. I don't know any of that type of information. That's security. No, sir. 29 Q Did she forward that to you? 20 Q Fis to gaining that understanding, were there before you could log into your tools. Did I say that right? That you did not have to wait to log into the phone until the start of your shorts. 20 Q Prior to gaining that understanding, were there before you loged into your tools? 21 there ever times, Mr. Seward, where you were running late and you would log into your pounce, you were there before you loged into your tools? 29 You were there before you loged into your tools? 20 Q Prior to gaining tha	15 Q Do you have to badge in to get to the 16 cafeteria? 17 A No. 18 Q Is there—do people ever—and I don't 19 know if this is the right term. This is my term. 20 Piggyback! Where someone uses their badge and someone 21 comes in behind them? 22 A I guess that happens, but it's against— 23 you can't do it. 24 Q You don't do it? 25 A No, I don't do it, but—I've seen people 26 retrain floors, so somebody could come—don't belong 3 on your floor can follow you or—follow you in. 4 Q Do you see a report of badge activity? 5 A No. 6 Q Do you know anyone who does? 7 A Do I know of anybody who does? 8 Q Yes. 9 A No. No. I don't know any of that type of information. That's security. No, sir. 10 Q We talked about—I want to go back for a minute to the kind of log-in sequence, and we talked about the fact that in '07 sometime you started, or at least you gained the understanding that you could log into your looks. Did I say that right? That you did not have to wait to log into twe pinne until the start of your shift? 9 A That's correct. 10 Q Prior to gaining that understanding, were there ever times, Mr. Seward, where you were running late and you would log into your plone just to show you were there before you logged into your tools? 24 A Sure. Sure. You want to be on time, yes. 15 A No. 16 Simultaneously—you could log into your ploop you were there before you logged into your tools? 26 A Sure. Sure. You want to be on time, yes. 16 Simultaneously—and that you did not have to wait to be on time, yes. 17 A No. 18 PYEx. 19 Q I'm going to band you what's been marked as Pkthibit 13, and I'll ask you if you were did not what it as marked to locurment? 20 Q Prior to gaining that understanding, were there before you logged into your tools? 21 A Yes. 22 A Yes. 23 You don't do it? 24 A Yes. 25 A That's correct. 26 A That's correct. 27 A Yes. 28 Q Yes. 39 Q Did she forward that to you? 30 Yes to any the first page of Exhibit 13, and I'll ask you if you were there before you logged into your tools? 31 A Yes. 32 Q Prior to gaining t	14		1 .	
16 cafeteria? 17 A No. 18 Q Is there do people ever and I don't 19 know if this is the right term. This is my term. 20 Piggyback? Where someone uses their badge and someone 21 comes in behind them? 22 A I guess that happens, but it's against 23 you can't do it. 24 Q You don't do it? 25 A No, I don't do it, but I've seen people Page 143 1 get fired for it. Those badges are cleared for 2 certain floors, so somebody could come don't belong on your floor can follow you or follow you in. 4 Q Do you see a report of badge activity? 5 A No. 6 Q Do you know anyone who does? 7 A Do I know of anybody who does? 8 Q Yes. 9 A No. No. I don't know any of that type of information. That's security. No, sir. 10 Q We talked about I want to go back for a minute to the kind of log-in sequence, and we talked about the fact that in 'O' sometime you started, or at least you gained the understanding that you could log into Avaya simultaneously with logging into your tools. Did I simultaneously with logging into your tools. Did I simultaneously with logging into your tools. Did I shour of anyboty who does to wait to log in simultaneously with logging into your tools. Did I shout the fact that in 'O' sometime you started, or at least you gained the understanding that you could log into Avaya simultaneously with logging into your thools. Did I shout the fact that in 'O' sometime you started, or at least you gained the understanding that you could log into the plane until the start of your shift? A That's correct. Q Prior to gaining that understanding, were there ever times, Mr. Seward, where you were running three ever times, Mr. Seward, where you were running the term to be fore you logged into your tools? A She was our lead for identification, 12 Page 143 document? Q Prior to gaining that understanding, were there before you logged into your tools? A Cye. Q And this you would still have on your computer? By this," I mean Exhibit 13. A Yes. Q The down at the bottom of the first page of Exhibit 13 it appe	16 cafeteria? 17 A No. 18 Q Is there — do people ever — and I don't 19 know if this is the right term. This is my term. 20 Piggyback? Where someone uses their badge and someone 21 comes in behind them? 22 A I guess that happens, but it's against — 23 you can't do it. 24 Q You don't do it? 25 A No, I don't do it, but — I've seen people Page 143 1 get fired for it. Those badges are cleared for 2 certain floors, so somebody could come — don't belong 2 on your floor can follow you or — follow you in. 4 Q Do you see a report of badge activity? 5 A No. 6 Q Do you know anyone who does? 7 A Do I know of anybody who does? 8 Q Yes. 9 A No. No. I don't know any of that type of 10 information. That's security. No, sir. 10 Q We talked about — I want to go back for a minute to the kind of log-in sequence, and we talked about the fact that in '07 sometime you started, or at 2 least you gained the understanding that you could log into Avaya 5 minuttaneously — you could log into Avaya 18 simultaneously with logging into your tools. Did I simultaneously with logging into your tools. Did I show on lathe start of your shift? 19 A That's correct. 10 A That's correct. 110 A Sure. Sure. You want to be on time, yes. 121 A Ves. 122 A Yes. 223 You were there before you logged into your tools? 124 A Yes. 125 A That's correct. 126 A Yes. 227 A Yes. 228 A I guess that happens, but it's against — 20 A Yes. 239 You were there before you logged into your tools? 24 A Yes. 25 A That's correct. 26 Exhibit 13, and 'I'll ask you if you recognize this document? 27 A Yes. 28 Q Is this an e-mail that you forwarded to your home address? 29 A That's correct. 20 Q And this you would still have on your computer? By 'this," I mean Exhibit 13. 29 A Yes. 20 Q I the — down at the bottom of the first page of Exhibit 13 it appears to be an e-mail forwarded by Sharrie Brown. If you look at that small print there, you see that? On 4/9/08? 29 Q Did she forward that to you? 20 Q I and then you then forwarded it to your home address? 20 Q I and then you then forw	15		4	·
17 Defendant's Exhibit D13.) 18 BY MR. RAY: 19 Q I'm going to hand you what's been marked as 20 Piggyback? Where someone uses their badge and someone 21 comes in behind them? 22 A I guess that happens, but it's against — 23 you can't do it. 24 Q You don't do it? 25 A No, I don't do it, but — I've seen people Page 143 1 get fired for it. Those badges are cleared for certain floors, so somebody could come — don't belong on your floor can follow you or — follow you in. 4 Q Do you see a report of badge activity? 5 A No. 6 Q Do you see a report of badge activity? 6 A No. I don't know anyone who does? 7 A Do I know of anybody who does? 8 Q Yes. 9 A No. No. I don't know any of that type of information. That's security. No, sir. 1 Q We talked about — I want to go back for a minute to the kind of log-in sequence, and we talked about be fact that in '07 sometime you started, or at least you gained the understanding that you could log into Avaya in simultaneously — you could log into Avaya in simultaneously — you could log into hand you what's been marked as Exhibit 13. and 'I'll ask you if you recognize this document? 2 A Yes. Q And this you would still hat you forwarded to your home address? A That's correct. Q We talked about — I want to go back for a minute to the kind of log-in sequence, and we talked about be fact that in '07 sometime you started, or at least you gained the understanding that you could log into Avaya in simultaneously — you could log into have to wait to log into the plune until the start of your shift? A That's correct. Q Prior to gaining that understanding, were there ever times, Mr. Seward, where you were running tate and you would log into your phone just to show 3 you were there before you logged into your tools? You were there before you logged into your tools? A Sure. Sure. You want to be on time, yes.	17 A No. 18 Q Is there—do people ever—and I don't 19 know if this is the right term. This is my term. 20 Piggyback? Where someone uses their badge and someone 21 comes in behind them? 22 A I guess that happens, but it's against— 23 you cart do it. 24 Q You don't do it? 25 A No, I don't do it, but—I've seen people Page 143 1 get fired for it. Those badges are cleared for 20 certain floors, so somebody could come—don't belong 3 on your floor can follow you or—follow you in. 4 Q Do you see a report of badge activity? 5 A No. 6 Q Do you know anyone who does? 7 A Do I know of anybody who does? 8 Q Yes. 9 A No. No. I don't know any of that type of 1 information. That's security. No, sir. 1 Q We talked about—I want to go back for a minute to the kind of log-in sequence, and we talked about the fact that in '07 sometime you started, or at least you gained the understanding that you could log into Avaya 15 simultaneously — you could log into Avaya 16 simultaneously with logging into your tools. Did I say that right? That you did not have to wait to log into the plane until the start of your shift? 9 A That's correct. 10 Q Prior to gaining that understanding, were there ever times, Mr. Seward, where you were running the ever times, Mr. Seward, where you were running the ever times, Mr. Seward, where you were running the ever times, Mr. Seward, where you were running the ever times, Mr. Seward, where you were running the tere ever times, Mr. Seward, where you were running the ever times, Mr. Seward, where you were running you were there before you logged into your tools? 2 A Sure. Sure. You want to be on time, yes. 2 A Sure. Sure. You want to be on time, yes. 2 A Sure. Sure. You want to be on time, yes. 2 A Sure. Sure. You want to be on time, yes. 2 A Sure. Sure. You want to be on time, yes. 2 A Sure. Sure. You want to be on time, yes. 2 A Yes. 3 A That's correct. 4 A Sure. Sure You want to be on time, yes. 2 A Yes. 3 C And this you would still have on your computer? By "this," I mean Exhibit 13. 3 A Yes. 4 Q The —down	3.		ł -	
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19 Q I'm going to hand you what's been marked as 20 Piggyback? Where someone uses their badge and someone 21 comes in behind them? 22 A I guess that happens, but it's against—23 you can't do it. 24 Q You don't do it? 25 A No, I don't do it, but—I've seen people Page 143 1 get fired for it. Those badges are cleared for 2 certain floors, so somebody could come — don't belong 3 on your floor can follow you or — follow you in. 4 Q Do you see a report of badge activity? 5 A No. 6 Q Do you know anyone who does? 7 A Do I know of anybody who does? 8 Q Yes. 9 A No. No. I don't know any of that type of information. That's security. No, sir. 10 Q We talked about — I want to go back for a minute to the kind of log-in sequence, and we talked about the fact that in '07 sometime you started, or at least you gained the understanding that you could log in simultaneously — you could log into Avaya simultaneously with logging into your tools. Did I simultaneously with logging into your tools. Did I say that right? That you did not have to wait to log into the phone until the start of your shift? 19 A That's correct. 10 A Yes. 10 Q And then you then forwarded it to your minute to the kind of log-in sequence, and we talked about — I want to go back for a minute to the kind of log-in sequence, and we talked about the fact that in '07 sometime you started, or at least you gained the understanding that you could log in simultaneously — you could log into Avaya in the phone until the start of your shift? 19 A That's correct. 10 A Yes. 10 Q Prior to gaining that understanding, were there ever times, Mr. Seward, where you were running late and you would log into your phone just to show you were there before you logged into your roots? 24 A Sure. Sure. You want to be on time, yes: 25 A That's correct. 26 A Yes. 26 Q Prior to gaining that understanding, were there before you logged into your would still have on your former address? 27 A Yes. 28 Q Yes. 29 Q Did she forward that to you? 29 Q Prior to gaining that	19 know if this is the right term. This is my term. 20 Piggyback? Where someone uses their badge and someone 21 comes in behind them? 22 A I guess that happens, but it's against — 23 you can't do it. 24 Q You don't do it? 25 A No, I don't do it, but —I've seen people Page 143 1 get fired for it. Those badges are cleared for certain floors, so somebody could come — don't belong on your floor can follow you or — follow you in. 4 Q Do you see a report of badge activity? 5 A No. 6 Q Do you know anyone who does? 7 A Do I know of anybody who does? 8 Q Yes. 9 A No. No. I don't know any of that type of information. That's security. No, sir. 10 Q We talked about —I want to go back for a minute to the kind of log-in sequence, and we talked about the fact that in '07 sometime you started, or at least you gained the understanding that you could log into the phone until the start of your shift? 10 A That's correct. 11 Q And this you would still have on your computer? By "this," I mean Exhibit 13. 11 A Yes. 12 Q Did she forward that to you? 13 A Yes. 14 Q Did she forward that to you? 15 information. That's security. No, sir. 16 Q We talked about —I want to go back for a minute to the kind of log-in sequence, and we talked about the fact that in '07 sometime you started, or at least you gained the understanding that you could log in simultaneously — you could log into Avaya 15 into the phone until the start of your shift? 16 Do you see that? 17 A Yes. 18 Q And then you then forwarded it to your lone. 19 A That's correct. 10 And then you then forwarded it to your lone. 11 Page 143 1 Page 143 1 Page 143 1 Q And then you then forwarded by Sharrie Brown. If you look at that small print there, you see that? 10 A Yes. 11 Q And then you then forwarded it to your lone. 12 Do you see that? 13 A That's correct. 14 Q It says, "FYI, this is the new DOR. 15 In the phone until the start of your shift? 16 Do you see that? 17 A Yes. 18 Q And tho is Isabel Colon? 19 A That's correct. 20 Q Prior to gaining that understanding, were there befo	18		1	
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			38 (Pages 146 to 149)
	Page 146		Page 148
1	about the DOR. What is a DOR?	1	Q Yes, the middle of the page 2?
2	A Daily operating, or operational, report.	2	A Middle of page 2 of the document -
3	Q And are you provided copies of the DOR? Or	3	Q Yes.
4	DORs?	4	A - Exhibit 13.
5	A No. That's the the report that is I	5	Q Right.
6	really can't speak on the D - I can't talk about the	6	A It's another amplification where they are
7	report. I don't produce it.	7	telling us, you know, don't log in early. I mean, get
8	Q This e-mail that we're talking about,	-8	your systems up and running, but make sure that you
9	Exhibit 13, that came originally from Isabel Colon, do	9	log in on the right time, and don't log in before, or
10	you know if this was sent to you back?	10	don't do anything. So it's always contradictions,
11	A Yes. It was, but I didn't have a copy of	11	like now they're saying, go ahead, don't worry because
12	it. It was sent to the Teach Team.	12	
13 14	Q Do you recall receiving it?	13	fact, whether it was unwritten or written, that that
15	A I remember it, but I didn't keep it.	14	is what was the procedure, and that's what we were
16	Q And what is — what did you interpret this	15	required to do.
17	e-mail to mean? And take if you want to take your time and refresh, it's not a short e-mail. Feel free.	16 17	Q This e-mail that is Exhibit 13, you read
18	A That we were supposed to come in early and	18	that middle part of page 2 to be saying, don't log in early, but make sure that you are ready to work?
19	that the time would be adjusted later.	19	A That's correct, sir.
20	Q What do you mean by time would be adjusted	20	Q And your, I think, testimony is that that's
1	later?	21	consistent with what your understanding was anyway at
22	A I believe there's a - I'm trying to	22	that time
23	remember this e-mail.	23	A Yes.
24	Q Take and take your time.	24	Q - is that right?
25	A May I?	25	A That's correct.
	Page 147		Page 149
ï	Q Yes, of course.	1	Q Now, if you look at that paragraph 1, it
2	A This is - see, on the second page,	2	says, "Ensure reps log in only as required; i.e.,
3.	page 2 —	3	scheduled to work at nine, be ready at 8:50, but only
4	Q Yes.	4	log in at 9 a.m. to ensure we're not accumulating
5	A I think this is only my	.5	unproductive hours under default AUX or AUX-0 for
6	interpretation. In the bottom there you will see the	6	which we're not utilizing or occupying the reps in
7	number one in parenthesis, and then below you will see	7	question."
8	AUX-8.	8	Did I read that correctly?
9	Q Yes. I see that.	9	A That's right.
10	A All right. And then you'll see in the	10	Q Do you understand what that means with
11 12	second sentence it says, "Provide WFM." I think		respect to the AUX codes?
13	that's work force management. I think that's what it stands for, work force management. I think that's	12	A Well, how I read this is that it's saying,
14	what it stands for. With those hours we will manually	13 14	hey, if the rep is supposed to be to start work at
15	include them in the — in the DOR. In other words,	15	9 o'clock, make sure he's ready prior to that. He's up and ready to go, but don't log in until 9 o'clock.
16	they were manually changing the start times.	16	In other words, you're going to be there and you're
17	Basically, I can't really comment on this because this	17	going to bring up your application. You're going to
	is not my document.	18	be ready to work, but you don't don't log in until
19	Q Right.	19	nine, your start time.
20	A But this is a document where they were	20	Q Was this mandate — this was near the end
21	indicating that we got to come in early and be ready	21	of the tenure in IBM Teach?
22	at 9 o'clock be ready at our start time. I'm	22	A I believe so.
23	trying to think what other pertinent thing came out of	23	Q It appears to be. It looks like it
24	this. See, in this in this document this area	24	says, "This new DOR effective date is August of '06."
25	here, where it says here	25	A Right.

39 (Pages 150 to 153)

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Page 150
                                                                                                            Page 152
  1
              Was this same mandate carried over to SCET?
                                                              1
                                                                          And obviously it got to Isabel Colon. We
  2
              Well, we went into training. I mean, we
                                                              2
                                                                  know that; right?
      went into training mode, so our start time would be
                                                              3
                                                                     Α
                                                                          That's correct.
      8 o'clock, 8:30, things like that, but I believe from
                                                                          And then she sent it out to -- it looks
                                                              4
      what I -- when I was speaking to other reps,
                                                                  like, at least, Sharrie Brown, who was a call center
  6
      especially since this situation has gone forward, this
                                                              6
                                                                  rep on the phone type; right?
  7
      was the norm.
                                                              7
                                                                     A
                                                                          Yes.
  8
         Q Even though SCET was not on schedule
                                                              ġ
                                                                          Okay. Do you have any knowledge, Mr.
  9
     adherence?
                                                                  Seward, personal knowledge, of this e-mail being
                                                              9
 10
         Α
             This was the norm. That's what I'm saying.
                                                                  forwarded to any other people by other team leads or
 11
         0
             Is your understanding?
                                                             11
                                                                  managers?
 12
             That's my understanding, and the key here
                                                             12
                                                                          No, I do not have personal knowledge.
 13 is, when you look at this, this Exhibit 13, this came
                                                             13
                                                                          And let's talk about Gary Kamprath, because
 14
     from our lead.
                                                             14
                                                                  it looks like he's the one at the bottom of the e-mail
 15
             Team?
         Q
                                                             15
                                                                  on page 3 there. Do you see that?
 16
             Team lead, for Kerry Bethea. Now, it's
         A
                                                             16
                                                                     Α
                                                                          Yes.
 17
     important that - if you look at the documentation, it
                                                             17
                                                                          Do you know Gary?
                                                                     Q
     actually - it - it explains itself as it's going to
                                                             18
                                                                     Α
                                                                          Yes, I know Gary.
 19
     all the teams on the floor. You have - even talks
                                                             19
                                                                     O
                                                                          Have you ever talked to him about this
20 about different agent groups. You have the CSRs,
                                                             20
                                                                 e-mail?
21 which is just the -- the people like myself who
                                                             21
                                                                     Α
                                                                          No, sir.
22 receive the calls, and then you have the SW CET plus.
                                                            22
                                                                     0
                                                                         Have you ever talked to him about how he
23 Those are like the lead people, like the - the lead
                                                             23
                                                                 analyzes the DOR reports?
24 person that reports to the manager or the supervisor,
                                                             24
                                                                         No, sir.
                                                                     Α
25 if I can use that term.
                                                                         Have you ever talked to him about what's -
                                               Page 151
                                                                                                           Page 153
 1
             Or if there's a person who is just an
                                                                 what are the important factors for the DOR reports?
 2
     admin, they don't receive any calls. They have -
                                                             2
                                                                    Α
                                                                        No. sir.
 3
     they're even instructed here. So this is telling me
                                                             3
                                                                    0
                                                                        I assume he's never consulted with you on
 4
     right there that this is going throughout the floor.
                                                             4
                                                                 the DOR reporting?
     You see what I'm saying? Because every team has a
                                                             5
                                                                    A
                                                                         No. sir.
 6
     senior elite team lead. Every team has administrative
                                                             6
                                                                    Ó
                                                                         Is that correct?
 7
     folks, if you will, so - and then it's talking about
                                                             7
                                                                    Α
                                                                         That's correct.
     the SW CET plus. Those are lead people, or people who
 8
                                                                         Do you know whether the DOR reports are by
 q
     do not take inbound calls.
                                                             9
                                                                 agent or by group?
10
            There were -- there were CET -- were there
                                                            10
                                                                        I really can't speak on the DOR, sir.
11 software CET within IBM Teach?
                                                            11
                                                                         Let's talk about schedule adherence.
            Basically what they're saying, the inbound
                                                            12
                                                                 What's your understanding of what that is?
13 reps, if I can use that term. Persons like myself who
                                                            13
                                                                        In the Teach, schedule adherence is that
    take inbound calls. Then you have, quote, unquote,
                                                            14
                                                                 they - they give you a fluctuation, I believe, of
15
     the senior person --
                                                            15
                                                                 ten percent. They give you a schedule. Basically,
16
           Right.
       0
                                                                 schedule adherence is they schedule the agents so that
17
        Α
            - who might repeat -- report to the
                                                                 they take their breaks and lunches at certain times so
                                                            17
    manager, or they might be a senior person on the
                                                                that there will be X amount of folks on-line to
    floor. They use the term "analyst" in my environment.
                                                                 service the customer, and schedule adherence is that
20 This - this no - from my - from what I see here, it
                                                            20 by keeping your scheduled breaks and lunches keeps
    went through - throughout the organization, just that
                                                                 those service levels up, if I can use that term.
                                                            21
22
    this one came from Isabel Colon to us directly.
                                                            22
                                                                         Service levels mean that we are
            This actual Exhibit 13 doesn't actually
23
                                                            23
                                                                 mandated -- say our service level should be
24 show who this note went to, does it?
                                                            24
                                                                 85 percent. If everybody walked out of the building
25
            That's correct.
       Α
                                                                at their unscheduled lunchtime and there was nobody
```

,			40 (Pages 154 to 157)	ļ
	Page 154		Page 156	
1	manning the calls, the calls would be waiting for	1	include in admin work. I assume it's research, for	
2		2	опе?	
3		3	A Basically, that's what it is. I mean, the	
4		4	other folks, everybody on the floor have different	l
5		5	admin duties, or they have things that they have to	l
6		6	do. They audit our work, things like that, but I	
7	5 1 5 1	7	can't speak on their duties. I can only speak on	l
8		8	mine, but normally AUX-3 - when I use AUX-3 is for	l
9	*	9	investigative type situations or finishing up	l
10		10	something that I found.	l
11	C	11	Q And how much time can you spend - did you	
13		12	say there was a parameters on how	
14		13	A They got a parameter now at ten percent.	ĺ
15		14	Q In AUX-3?	
16	The state of the s	15 16	A AUX-3.	
17		1	Q What were you referring to with respect to	ĺ
18		17 18	India? Do you do admin work to support India?	
19	Ç	19	A Basically what's happening right now, they	
20	11. 29. 2	20	made an aunouncement two weeks ago, or end of September, they were going to a do a pilot program	ĺ
21		21	that the — they are training new agents in India to	
22	· · · · · · · · · · · · · · · · · · ·	22	take the calls for the front end, that SW CET group.	
23		23	Q Right.	
24	E	24	A So currently they've hired, I don't know,	É
25		25	over 20-something agents over in India that have just	ı
	Page 155		Page 157	
,				
2	call, because the state of New York might have a zillion accounts. So schedule adherence and — I	1	gone through training, and they are currently taking	
3		2	inbound calls, the same calls that the front-end	
4	think it's a they say we don't have schedule	3	agents take at our location right now. They are	
5	adherence, but they still have us on the schedule. They still have you taking inbound calls. It—this	4 5	calling it a pilot program.	
6	sounds like in the front end — they're stressing out	6	(Thereupon, marked for identification,	
7	the agents in the front end to make the numbers look	7	Defendant's Exhibit D14.) BY MR. RAY:	
8	good — numbers look good on the back end:	8		
9	Q When you're talking about the	9	Q Earlier you'd talked about Mr. Bethea telling you not to log in early, and I wanted to give	
10	administrative environment versus inbound, you're	10	you a e-mail, which is Exhibit 14, and first I'll ask	
11			you — I think the second e-mail chain there is dated	
12	A We're an inbound. We do have there are		8/27/04 from Mr. Bethea to you, and it says, "Charles,	
13		13	once again please do not sign on prior to your start	
14	which is really admin, so you use AUX-3. Now, you	14	time. If there is a reason this is happening, I need	
15	have some folks who have more administrative time than	15	to know."	
16	others, but currently in our environment that's the	16	Did I read that correctly?	
17	one thing I - I - I openly say. Right now we're	17	A Correct.	
18	admin, but they're trying to keep us inbound.	18	Q Is this one of the technical – one of the	
19	The main reason is because there's a	19	examples of a time when Mr. Bethea was telfing you not	
20	transition going on again for outsourcing our work, so	20	to log in early?	-
21	we're - we're correcting a lot of work that's	21	A Yes. Yes. Basically - basically, he	
22	being - errors, if you will, that's being done by the	22	knows that we have to come in here and get the system	
23	group out of India, so we have a lot of admin work to		up and but, you know, if you log in, even though	
24	do right now.	24	you're up, you're trying to bring all your systems up	
25	Q Now, your admin work, tell me what you	25	and you log in that's how I am.	

A See, I don't - I don't really know if we 24 were doing it physically at the time on this phone, 25 which I don't think so. I mean, I don't think so.

		 	41 (Pages 158 to 161)
	Page 158		Page 160
1	4 mare a arterial poure to 8 m	1,	Q Was this during the period of time when you
2	times here on this e-mail, and first, the log-in dates	2	had to log into the computer system before you could
3	appear to be from this little screen shot, August 23,	3	log into the phone?
4	2004, to August 27, 2004.	4	A Right. This icon on that computer that
5	A Uh-huh.	5	computer had to be up, but again, I don't know the
6	Q Do you recall the shift you were on then?	6	exact time that shift went over to the physical log-in
7	A This is probably the 8 o'clock shift.	7	time, but I'm almost positive we was still bringing up
8	Eight to four or eight to 4:30.	8	our computers to do that.
9	Q Would it be eight to 4:30 because of your	9	Q So for that 7:34 a.m. entry, that's
10	• • • • • • • • • • • • • • • • • • • •	10	
11	"	11	phone itself or through the system, where you had to
12		12	log up the system first and click on that icon, right?
13	4 0	13	A Right.
14	mo, journe on, man to a good offempre what		Q So as of 7:34 a.m. you'd already logged
15		15	onto all the tools?
16	It - It is a second to the action to be properly	16	A Prior to 7:34? You mean after?
17		F .	Q No. As of that time? At 7:34 a.m. on that
19	not going out to eat breakfast. I'm in there trying	18	second entry
20	· • · · · · · · · · · · · · · · · · · ·	19	A Right.
21		20	Q you clearly had logged into the phone at
22		21	7:34 a.m.?
23	see this area? Like, give you an example. I might	22	A I'm thinking that we were still going and
24	J	23	bringing up our workstation, trying to bring our
25	~ == _ =	24	workstation up and make sure it was up on time. Then
-		23	you hit the icon to activate the phone or the the
	Page 159		Page 161
1	trying to explain to folks: That back in these days	1	Avaya to show that we're here.
2	here if you did not get that thing if you did not	2	Q Right. So on that second entry at 7:34
3	come in early and do this, you would not be on time	3	a.m., at that point in time you'd logged into your
	for work.	4	tools and the icon?
5 6	Q Well, let's look at the second entry there	5	A Yes.
7	where it's 7:34 a.m. log-in time. A Yes.	6	Q So you still have 26 minutes until the
8	Q My understanding was this was back in	7 8	start of your shift?
9	2004 —	9	A Right Right
10	A Yes:	10	Q If you had a 15-minute rule of thumb
11	Q - right? My understanding was that during	11	A Uh-hüh,
12	this time you would log into the computer tools before	12	
13	you logged into the phone?	13	Q which I assume you had during this time, but correct me if I am wrong?
14	A Then we're doing we're doing work or	14	A Right.
15	we're bringing up our software that we need to do our	15	Q Is that right? You had a 15-minute rule of
16	job during the day.	16	thumb?
17	Q But am I right on the sequence?	17	A To be honest, I can't really comment
18	A I don't know if we was still logging in for	18	because I got to know if this is during the time where
19	that into the workstation or not.	19	the icon was on the computer that I'm in work early to
20	Q Were you still logging into your	20	make sure that system is up, because even though it
21	workstation and tools before you logged into the Avaya	21	shows that the log-in time is 7:34, me personally, I'm
22	system?	22	thinking that I might have logged in and then started
2.2			

bringing up my computer because it's either/or,
counselor. It's either that I've logged in and I

25 started bringing up my workstation or I have been

·			42 (Pages 162 to 165)
	Page 162		Page 164
1	minutes,	1	log
2		2	Q Let me finish the question.
3		3	A Right.
4		4	Q Don't log into the phone until your start
5	E B 1 5 -5	5	time?
7		6	A That's correct. That's what he's saying in
8	when during this time we went from the old system, bu I'm thinking that I logged on the phone and started	• .	the note.
9	bringing up my computer.	8	Q And he knew the sequence was, log into your
10	C C 1	10	phone first, then the system? A Yes. He knew it.
11	confusion over the sequence. In the 2004 time frame,	111	Q And is this true also in 2005?
12		12	
13		13	
14		14	you were there bringing up your system, not to log in.
15	Q Is that true for 2005?	15	You know, I — that's the way it was across the whole
16	A You know, I can't I don't have the	16	
17		17	you logged in like this because you didn't want you
18	•	18	know, you're trying to bring up your system, and you
19		19	don't want to forget.
20		20	Q Right.
21	Z This side and officers.	21	A Basically, that's what it is. Now, you can
22	A And then the system.	22	cut it any kind of way you want.
23	Q And then booting up your tools when the	23	Q Right.
24 25		24	A But the key here is, don't do it. One
		25	minute of, bring up your system, get your stuff ready,
	Page 163	7	Page 165
1	In 2006 we were told not to log in on our phones until	1	get ready to take calls, but don't log in until your
2	our start time.	2	start time.
3 4	Q Right. 2004 you were told that too? A Yes, right.	3	Q Was this the same - let me back up. This
5	A Yes, right. Q So – but you were logging in, at least in	4	e-mail is telling you, do not log in until your start
6	this week of August, 20 – 26 minutes before your	5 6	time – A Yes.
7	start time on August 24?	7	
8	A Right. Right.	. 8	Q - right? You've said that he understood the sequence to be, log in and then log into the
9	Q And Mr. Bethea would say, stop doing that?	9	phone and then log into the system, and here is the
10	A Right, because they didn't want us logging	10	question I want to ask. There's nothing in this
11	in. It would mess up our productivity time.	11	e-mail about flipping that sequence?
12	Q There was - you said you may have very	12	A I don't understand.
13	well logged into the phone first during this time	13	Q There's nothing in this e-mail saying what
14	period?	14	you just described, which is this. You said that what
15	A I got - I don't know if we were logging	15	he was getting at here, and correct me if this is not
16	into the actual workstation or the physical phone. Me	16	what you just said. I think you just said that what
17	personally, I'm just looking at the year and the time,	17	he was getting at here was, come get your tools up,
18 19	August and 2004. I'm thinking I logged on the phone	18	and then wait to log into the system at your start
20	and started bringing up my system. O Did Mr. Bethea know that you were following	19	fime?
21	Q Did Mr. Bethea know that you were following that sequence?	20	A Right Basically, that's what this is all
22	A I believe so, yes, sir.	21 22	about.
23	Q And he's telling you to log in? Do not log		Q Okay. But what I'm saying is, there's
24	into the phone?	24	nothing in this e-mail about that? A Right.
25	A Right. Bring up your system don't	25	Q Do you have any e-mails from Mr. Bethea
			2 20 Journal of any commission from Ivin. Deines

			43 (Pages 166 to 169)
	Page 16	5	Page 168
1	where he said that?	1	before each other.
2	A I don't believe so, but I believe there	2	Q What about Darlene?
.3	might be some e-mails from Miss Isabel Colon. Also	i 3	A It varies. Sometimes she will be there
4	some Sametimes.	1/2	before me; some vice versa.
5	Q Do you have those?	5	Q Let's go back to Exhibit 14. Okay? And we
. 6	A No, I don't.	6	were talking about the exhibit with the e-mail from
7	Q Let me ask you something about current	7	Mr. Bethea to you in August 2004. Did - Mr. Bethea
8	time. Your - who sits around you?	8	tells you not to sign on prior to your start time;
9	A Currently?	9	correct?
10	Q Yes. You're in a cube environment; right?	10	
11	A Yes.	11	
12	Q Are you in one of those environments where	12	
13	you have people right behind you?	13	A I believe so. I might have forgot here and
14	A To my side.	14	there, but — I really can't speak on it. I might
15	Q To your sides? Who sits by you?	ı	have missed it, or I try to go as close as
16	A Sharon Jenkins.	1.16	possible, if you will, but if I can can I expound?
17	Q What about the other side?	17	
1.8	A It's Ayesha Austin.	18	
19	Q What about what about around you that	19	
20	you see every day? That you're close to?	20	•
21	A Mary Davis; Joyce Spann, S-P-A-N-N; and	1	A I believe I did. I believe I did. I
22	Darlene Campbell. That's currently.	21	
23		22	Q That's fine. Do you want to add something
24	Q Current? Let's talk current. How long	23	about the e-mail?
25	have those — has that group sat around you, roughly?	24	A This note was sent because they did not
143	A Oh, as long as I've been in that second	25	want to mess up their DOR. They didn't want to mess
	Page 167		Page 169
1	seat. Eight months, maybe.	1	up their productivity numbers. It had nothing about
2	Q Do they work the same shift that you work?	2	me coming in early, working, bringing up this -
3	A No.	3	bringing up my system and starting work or trying to
4	Q Do you know what shift Sharon works?	4	get the system up. This is so it would not mess up
5	A 9:30 to six.	5	their numbers by logging in here. The reason why they
6	Q What about Ayesha Austin?	6	sent this note was because they wanted you to log in
7	A Eight to 5:30, maybe.	7	one or two minutes before their start time so it would
8	Q Mary Davis?	8	not mess up their numbers.
9	A It fluctuates.	9	Now, if they want twist it any way they
10	Q Is she a team leader?	10	want, let them do it, but that's why he sent that
11	A No, but she's – she's analyst.	11	note, and Isabel Colon has sent notes out about
12	Q What about Joyce Spann?	12	signing on a minute or two or whatever before the
13	A Just a peer.	13	start time, so it's this is interesting.
14	Q What time - what's her schedule?	14	Q And did you talk to Mr. Bethea about that?
15	A Same as mine. Ten to seven, I believe.	15	A No. I just 1 to be honest, our
16	Q What about Darlene Campbell?	16	communications with Mr. Bethea was null and void
17	A Same as mine.	17	except for official job duties.
18	Q Do you get to work typically before, at the	18	Q Did you tell Mr. Bethea or someone at one
19	same time, or after Joyce Spann?	19	point that you didn't trust him as far as you could
20	A I'm sorry?	20	throw him?
21	Q Do you get to work do you let me	21	A Who? Me? Oh, I – I don't trust him.
22	change the question. Do you get to your cube for the	22	There's no way in the world I could trust this guy.
23	first time roughly the same time, before, or after	23	Q Why not?
24	Joyce Spann? Or after Joyce?	24	A Huh?
25	A It varies. You know, some people get in	25	Q Why not?
	Low and of pomple Bet III	L	× 43.13 for:

your employment with IBM with a sponsor?

44 (Pages 170 to 173) Page 170 Page 172 (Thereupon, an off-the-record discussion was 1 Α No, sir. held between the deponent and Mr. Zouras.) 2 Q When you say sending people home early --THE WITNESS: Can I answer? 3 Α 4 MR. ZOURAS: I think so. 4 Did he send you home early? Q 5 THE WITNESS: Because he's a crook. 5 Α Oh, yes. I've went home early a few times, 6 BY MR. RAY: 6 that's correct. 7 Q Why is he a crook? 7 Q How often would you do it? 8 Because he lies about our numbers. He's 8 Α Whenever it was needed. lied about our numbers for years, so - and if you did 9 9 Was that -- did it become more common in, just as much investigation about my e-mails and if you 10 for example, 2006 when things were slowing down? 11 look at his information, you probably already found 11 A It happened ongoing, sir. We even had a 12 that out. grab bag. 12 13 Q What do you mean, he lies about your 13 Q What's a grab bag? 14 numbers? 14 We put everybody's name in it and see who 15 A Well, our productivity numbers are wrong. 15 can go home -- go home early. 16 I mean, we're in there working, and you take X amount Q When he sent people home early, did he of folks working, and you're telling the sponsor 17 change your time card so that you didn't get paid for you're doing - look what a great job we're doing with 18 the time? 19 X amount of man-hours. I call it stealing, so you can 19 A No. 20 call it what you want. He wants to make the numbers 20 0 So you got paid even though you went home 21 or whatever you want to do, but he's a crook. 21 early? 22 Q Which - how did you come to learn that in 22 Α Yes, sir. 23 your view he was manipulating the - giving incorrect 23 0 And is it your understanding that was true 24 information to the sponsors? 24 for the others? Well, there was a lot of emphasis on these 25 That's correct, and also other departments Page 171 Page 173 1 sign-on times and working through our lunches and on the floor. 2 doing certain things to manipulate the numbers or 2 Q Other departments on the floor that 3 sending us home early so that availability would stay 3 Mr. Bethea -high. Things like that, that was manipulation, so 4 Partner World, the other side of when you talk about crooking or -- you know -- know 5 entitlement. In fact, it's still going on today. what the saying was on our floor? He was cooking the 6 And you view that as cooking the books? 7 books. 7 Α Well, how would you view it? 8 Q Who used that saying? 8 Well, I'm not the one on that side of the O 9 Α Hey, we all used it. It's the truth. If 9 table. you sitting up there and you see your availability or 10 If you telling the sponsors that you need 11 your service availability is 98 percent and it's not 11 XYZ to do the job and then you send folks home, say, going lower and you're telling your sponsor that I 12 25 percent of your work force, to lower your service 13 need ten people to do this job and you got the ten level so the sponsor will only see that 85 percent people on availability and your availability is 98 14 14 instead of 98 percent, what do you -- I call it 15 percent and you're required to do 85 percent and you manipulation. Let's use that word, then: 16 start sending your people home early so that number 16 Manipulation. 17 can go down, what do you call it? 17 Q But you don't know what's in the contracts? 18 Q Did - did you ever see the reports he 18 A No, sir. All I know is that the service 19 provided -19 level say 85 percent, everybody, and that's what's 20 A Oh, no, sir. No, sir. amplified to us all the time about - about service 21 Q — to the sponsors? Did you ever see any levels and productivity, and that's one of the key 22 of the contracts with the sponsors? 22 issues of this e-mail: That he did not want to mess 23 Α No. sir. 23 up his productivity numbers. 24 Have you ever seen a single contract during Q 24 Q So to -- to cook the books as you say, you

would be sending people home quite a bit, not just

45 (Pages 174 to 177)

			45 (Pages 174 to 177)
	Page 174		Page 176
1	sporadically?	1	speak of what I know.
2	A It - from time to time you might get one	2	Q Let's go back to Exhibit 14, and I want to
3	person to go or two people. Maybe just one or two	3	look at the log-out time.
4	heads make a difference.	4	A Yes, sir.
5	Q Every week?	5	Q You have log-out times at 4:31, 4:29, 4:33,
6	A No, I wouldn't say every week.	6	and 4:29?
7	Q How often would it occur?	7	A Yes.
8	A As I indicated, when needed.	8	Q When you were under Mr. Bethea, what was
9	Q But 1 - how often? You were there, You	9	your understanding of the log-out process or what you
10	observed it. Is that once a month? Twice a month?	10	
11	A Twice a month, maybe.	11	
12	Q And when you say send home early, how	12	
13	early?	13	you have five minutes where you could go into an AUX
14	A Say if I was a it could be as early as	14	code and get everything completed?
15.	11. Say my quitting time is 4:30. It could be as	15	A You log out at 4:20 - at log-out time.
16	early as 11 or as late as two.	16	Q And when you logged out - for example, the
17	Q So there were times where you were working	17	first ending was 4:317
18	a shift where your end time was 4 o'clock, 4:30?	18	A Yes.
19	A My quitting time?	19	Q When you logged out of the phone system,
20	Q Your quit time?	20	had you already logged out of all the tools?
21	A It would be 4:30, say.	21	A Most likely I would say yes. I was
22	Q And he would send you home as early as 11?	22	starting to come out of them, yes. I would say
23	A Eleven or two, yes. I mean, something	23	knowing me, I would say I was probably logging
24	happened. It was a problem with that whole leaving	24	starting to bring down my system when I when I hit
25	early thing, and it stopped. I don't know if somebody	25	log-out.
1	•	1	
	Page 175		Page 177
1	_	1	
2	Page 175 complained or I don't know what happened, but all of the sudden	1 2	Q Same with 4:29 there? Which is the 8/24
	complained or I don't know what happened, but all		Q Same with 4:29 there? Which is the 8/24 entry on Exhibit 14.
2	complained or I don't know what happened, but all of the sudden	2	Q Same with 4:29 there? Which is the 8/24 entry on Exhibit 14. A I believe so. I mean, I really can't say
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46 (Pages 178 to 181)

Page 178 Page 180 have kids at home. 1 whatever, because the person don't want to take a call Q Are you in this litigation claiming that 2 at the last minute. You see what I'm saving? So --3 you were not paid for time at the end of your shift 3 Q And under your practice you're not of the that you worked? After the conclusion of your - of the position that you've had to work extra time 5 scheduled time? after your shift for which you have not been paid? That personally did not happen to me. 6 6 A I've done it, and I put in - I think once 7 Q Do you think it happened to others? 7 or twice I put it in, you know. To be a couple 8 A Yes. minutes here and there, I don't go putting in for two 9 And was it because of what you described minutes overtime. I don't do that. Now, if it's 15 Q 9 before? They don't have kids at home, so they just 1.0 minutes, say 20 minutes or 25 minutes, you know, I'll 10 11 stay on? 11 put that in. I have, 12 A No, sir. Basically - basically what 12 When you say put that in? Q 13 happens -- but this practice has changed drastically .13 In totals. since I came on board because of the big focus on the So if you work 15, 20, 25 minutes overtime, 14 15 overtime. 15 you would put that in totals? 16 What do you mean by that? Q 16 A Right. Right. I try to remember all of 17 At one time it was -- it was -- it was 17 that through - because it's a separate process. We 18 directed to me that before - say two years ago when have to -- like three different tools that we use for 1.8 19 we first came on SCET, if you - if you was on a call 19 recording time. and you got a call say at 6:59, you was supposed to 20 20 Q And I just want to make sure. I think it's 21 quit, and you ran over to half an hour, 40 minutes, or clear, but I want to just make sure that I know your 22 whatever it took to get rid of the customer, you allegations in this case are that before your shift 23 didn't get paid for it. 23 you're required to work off the clock -24 Who told you that? Q 24 Yes. sir. 25 Other employees. But now that's different. - and therefore you're seeking back 25 Page 179 Page 181 It's different, totally different. It's totally -overtime. Am I correct that you're not claiming that it's totally different. You get - you can - you can you've been forced to work off the clock after your put your overtime in. You got to put in a form to 3 shift in this case? explain why you want the overtime, but you can still A I'm - I'm stating that -- can you say that 4 5 claim your overtime. But before, the old agents that 5 again? I want to be sure I understand. were there before we got there, they said that if you 6 Yes. In this litigation --0 7 7 got -- if you got stuck on a call, you was stuck on a A Yes, sir. 8 call. 8 Q - are you claiming that you were forced to 9 Ô So for the entire time that you have been 9 work off the clock after your shift concluded, your 10 in SCET -10 scheduled shift concluded? 11 A It's been fine. I mean, if you get caught A I'm trying - my litigation is for before 11 12 over --12 the scheduled time. I know those situations happened 13 Q You get overtime? to me sometimes at Teach, but it hasn't happened to me 14 Yes, you get overtime. Α at SCET. Now, if it's a - if it's a lapse or if I 15 But the -- someone -- some of the agents wasn't aggressive enough for the Teach side, then 16 who have been there before you, said that --16 that's my error, but I'm focusing on it prior to 17 Yes sir. Α 1.7 scheduled time here. 18 Q -- previously that was not the rule? 18 I'm only referring to not getting paid 19 That was not the case. after the quitting time, and that was -- the other 20 Did they say when that change occurred? agents spoke about it. That was a common practice. 21 They didn't - I think it was just that I'm not speaking on my behalf on that because I'm not focus on overtime, but they didn't give me a time or 22 claiming that currently. That situation I believe has nothing like that, but they used to complain about 23 totally been cleared up. that, and that's one of the reasons why you see MR. RAY: We're at the end of our tape. 24 25 sometimes a log-out time a half a minute before or Let's go off the record.

47 (Pages 182 to 185)

			47 (Pages 182 to 185)
	Page 182		Page 184
1	THE VIDEOGRAPHER: Off video.	1	on your start time.
2	(Thereupon, a recess was taken.)	2	Q I want to cover a couple of things, and
3	THE VIDEOGRAPHER: On video.	3	then we'll hopefully shift gears here.
4	BY MR. RAY:	4	A This is from Kerry Bethea.
5	Q Mr. Seward, before the break we were	5	Q Well, the top e-mail on Exhibit 15 oh,
6	talking about post scheduled shift activities, and you	6	okay. I see. It's cc'd to Fernando Vega?
7	made one comment I just want to follow up on just to	7	A Yes.
8	make sure I understand. I think you said that during	8	Q And it's from Bethea?
9	your time in IBM Teach there may have been times when	9	A Yes.
10	you feel like you worked past your scheduled shift but	10	Q Okay. Thank you for correcting that
11	· · · · · · · · · · · · · · · · · · ·	11	correcting me. Let me hand you what has been marked
12		12	as Exhibit 16.
13		13	(Thereupon, marked for identification,
14		14	Defendant's Exhibit D16.)
15		15	BY MR. RAY:
	of my my litigation.	16	Q And all I'm going to ask you, Mr. Seward,
17	1	17	is whether that's your signature on the second page of
18		18	that document?
19	A I'm sorry.	19	A Yes.
20	Q Let me hand you what's been marked Exhibit	20	Q Do you recall well, I'm changing my
21		21	
22	(Thereupon, marked for identification,	22	believe it was in 1998.
23	Defendant's Exhibit D15.) BY MR. RAY:	23	A Yes, That's when I first – when I came
25	Q And this is an e-mail dated March 29, 2004,	25	O We've been talking about your cube and
 ~~	Page 183	دي	
		1.5	Page 185
1	to you from a Fernando Vega. Do you recognize this	1	where you are located and some of those things. Do
2	e-mail? Take your time to look at it.	2	you have a desktop or a laptop?
3	A I don't remember the e-mail, but I must	3	A Desktop.
5	have received it.	<u>4</u> 5	Q Have you had a desktop the entire time you
6	Q And do you know who Fernando Vega is? A Sure.	6	have been in SCET? A Yes.
7	Q Who is Fernando Vega?	7	Q Did you have a desktop when you were in IBM
8	A He was a second-line manager at the time.	8	Teach?
9	No yes. Yes.	9	A Yes.
10	Q This one is dated actually before, I	10	Q The entire time?
11	believe, Exhibit 14, and it says, "Charles, please do	11	A Yes.
12	not sign on prior to your start time. This creates	12	Q Does anyone in SCET have a laptop, to your
13	productivity problems with our daily operating report	13	knowledge?
14		14	A Yes. There are some folks that have
15	Did I read that correctly?	15	laptops.
16	A Yes.	16	Q Some of the call center people on the
17	Q First, what is the daily sign-on objective?	17	phone?
18	A It's basically saying your scheduled start	18	A Not on the phone, but the analysts or the
19	time.	19	admin folks or -
20	Q And do you know what he's referring to	20	Q What about any of the people in SCET who
21		21	were on the phones? Any of them?
22	have an objective with respect to daily sign-ons at	22	A No, sir.
23	that time?	23	Q What about in IBM Teach? Did any of the
24	A No. I don't know why he's using that	24	phone reps or the people who were dealing with phone
25	terminology, but the sign-on objective is to sign on,	25	calls, did any of them have laptops?

48 (Pages 186 to 189)

			48 (Pages 186 to 189)
1	Page 186	5	Page 188
1	A No. No.	1	of personal days, or is that at the discretion of the
2	Q Do you know if anyone on the fourth floor	2	management?
3	has a laptop?	3	A Discretion of the manager.
4	A I believe they do, but	4	Q Is there a — an award or a prize where you
5	Q is the SCET group, currently do they do	5	get two hours off called two hours prize time?
6	the call reps, the people who deal with the phones in	6	A Yes.
7	SCET, are they scheduled 365 days a year?	7	Q What is that?
8	A We just - we're scheduled. If we want to	8	A If you if you handle a customer a
9	take vacation time.	9	certain way at one point if you came in on time for
10	1	10	a month straight, they gave you two hours, and there's
11		11	
12	~ 1.1.	12	
13		13	The state of the s
14 15	6	14	at. I had four hours.
16		15	Q Where did you look to see?
17		16	A That's what I was just telling counselor.
18		17	In my Lotus Notes there's a a database that that
19	<u> </u>	19	has all our processes, and in there, there's a icon that you click on to see if you qualified or if you
20		20	
21		21	Q Let me just have you take a quick look at
22		22	Exhibit 17.
23			(Thereupon, marked for identification,
24			Defendant's Exhibit D17.)
25		25	
	Page 187		Page 189
1	until basically what happens, you have shifts that	1	Q And this looks like an e-mail from
2	start at seven, and we go - our group goes all the	2	Miss Williams to the SCET Team dated August 10, 2007.
3	way over to 7 p.n., and then there's another group in	3	Do you see that?
4	the back end that will start taking calls after seven.	4	A Yes.
5	Q You are paid on an hourly basis	5	Q And this lists out agents, it appears, who
6	A Yes.	6	have earned two hours prize time. Is that your
7	Q — is that correct? And you also get some	7	understanding?
8	vacation time?	8	A Correct, Correct, yes.
9	A Correct.	9	Q And, I mean, it looks like you earned it
10 11	Q How much vacation are you eligible for now?		for January Is that you, Charles S.?
12	A Twenty-five days.	11	A Yes.
13	Q Twenty-five workdays? A Yes.	12 13	Q And February? Do you see that? A Yes.
14	Q You also get some holidays?	14	Q Is the two hours' prize time, extra time
15	A Yes. Six.	15	you can take off and get paid?
16	Q Are they paid?	16	A Yes.
17	A Yes.	17	Q Do you know if other groups within IMBPD
18	Q You get some sick time?	g.	get prize time like this?
19	A Yes.	19	A It's a — I can't really speak on that.
20	Q Do you know how much sick time?	20	Q The subject of Exhibit 17 is, "Two hours
21	A No. They don't really give us a a	1	prize time monthly for no late log-in."
22	minimum or a maximum.	22	Do you see that?
23	Q Some personal days?	23	A That's correct.
24	A I haven't asked for any.	24	Q And is it your understanding that this
25	Q Do you know if you get a specified number	25	prize time was awarded if you didn't have a late

	`		49 (Pages 190 to 193)
	Page 190		Page 192	2
1	log-in for that month that's listed?	1	A Sometimes we left maybe – sometimes we	1
2		2	left earlier, but no. No.	
3		3	Q Did you ever complain about that?	į
4	•	4	A You know, you sometimes try and do a team	
5		5	thing. You know, you're trying to meet your numbers	
6		6	and that's how you approached it. If there was some	"
7		7	folks that had medical reasons why they couldn't do	
8		8	it, you know, their blood sugar or whatever, they -	ı
9		9	they took their breaks, but you really didn't complain	1
10	The state of the s	10	because you were trying to meet your service levels o	г
11		11	your numbers, so they would call out for lunch and	
12		12	bring lunch. Ask you what you wanted to eat and buy	4
13		13	you lunch.	-
14		14	Q But you never you didn't think that was	1
15		15	inappropriate at the time?	1
16 17		16	A No, not really. I didn't think so, but it	l
18	· · · · · · · · · · · · · · · · · · ·	17	is what it is.	1
19		18 19	Q Do you have any record of how many times	1
20			you were asked to do that anywhere? A I might, I might have no. I wouldn't	1
21		21		1
22		22	have that type of information. I wouldn't have, you know, tick marks, if you will, for every time, but	
23		23	again, if they have the records for Avaya, it'll show	Ì
24	~ · · · · · · · · · · · · · · · · · · ·	24	that we didn't take a lunch.	1
25		25	Q I thought that you went ahead and logged	l
	Page 191		Page 193	1
1	was cooking the books, using your words, that he	,		1
2	forced people to work through lunch.	1 2	out. No, you didn't.	
3	A Yes. We've done that.	3	A No, we did not, because it'll show you in Avaya that we didn't take a lunch that day. See,	
4	Q And have you been forced to work through	4	there's a AUX code. Just like you have an AUX-3,	
5	lunch when since you've been on the SCET Team?	5	there's a AUX code for lunch.	ı
5	A No.	6	Q But you can't sitting here, tell me how	
7	Q When you were on the IBM Teach Team	7	often that occurred?	l
8	A Yes.	8	A No, sir.	ĺ
9	Q how many times would you say you were	9	Q I asked you just a few minutes ago about,	ł
10	forced to work through lunch?	10	you know, if you log in late, and again, I limited it	ŀ
11	A I never counted, so I couldn't - 1	11	to a few minutes I think I said five or six	
12	couldn't give you a number.	12	minutes that you were told you were late possibly,	
13	Q Was it common? Was it once a week?	13	but you were not docked pay for it; correct?	l
14	A Oh, no. Wouldn't be like that. As needed.	14	A Correct.	
15 16	Say - give you an example. If service levels were	15	Q Do you know if there's a - a policy or	
17	too low, they would ask that you stay on, on on-line, take calls, and they would call out for	16	practice, and let's start with Miss Williams, as to	
18	lunch.	17	how late you would have to be before she would	l
19	Q Did you log out as if you were in at	18 19	actually ask you to go into eTOTALS or before she	
20	lunch?	20	would go into eTOTALs and adjust your time? A I've never seen that happen, but I'm only	1
21	A No. I was still available.	21	talking about me. I can't speak for personnel reasons	
22	Q Did you get paid for that extra time?	22	- personnel issues with other folks.	ĺ
23	A No. We the no. We didn't get no	23	Q And has she — and I didn't mean to	
24	overtime. We didn't get no overtime for that.	24	interrupt you.	
25	Q Did they let you leave early -	25	A l've seen people adjust times, like they	
			months	١.

50 (Pages 194 to 197)

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- work later to make up the late arrival, stuff like that. I seen that done, but I can't say exactly how
- that arrangement was made in defense of Miss Williams,
- but I know generally speaking, I never heard anybody
- getting docked. 6
- What about if you needed to leave, for example, to go to a doctor's appointment? You need to 8 be gone for two hours. Do you have to adjust your
- 9

Ż

- 10 A At -- I'm trying to remember now. There 11 was a time I was asked to do - I had to go to the
- 12 doctor's, and I'm trying to think of when that was.
- 13 But they never followed through to say, hey, you know,
- 14 adjust your time or whatever. I think in our - in
- 15 our department meeting she indicated that we were
- 16 allowed I think two hours for a doctor, to go see a
- 17 doctor, and I had -- I had scheduled like a month
- 18 alread of time that I had to go see a doctor.
- 19 I said, I'll be in work, but I'll
- 20 probably be just a little over an hour late probably,
- 21 something like that, but I was never asked to adjust
- 22 it. Never asked to go to totals. Never asked to do
- 23 anything like that,
- 24 Q What about, have you ever had - and let's
- 25 talk again with about Miss Williams. Have you ever

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- had a situation where you needed to leave a little early for a personal matter and take care of something and you missed an hour to two hours of work?
- 3
- 4 A No.

2

14

- 5 O What about late for a personal matter?
- Maybe once. Maybe once. I'm not I'm trying to think of -- it was a -- maybe once, I
- 8 believe. I'm not sure. I'm not sure. Maybe once.
- q Q Do you know what Miss Williams' policy is 10 with respect to giving personal time without adjusting
- 11 time records or time cards?
- 12 A I'll just use the word favoritism. She has 13 her own way of doing it.
 - What do you mean by that? Q.
- 15 She - there's people, I guess, you know,
- people who have some issues that we don't know about. 17 I mean, that's - again, it's a management discretion
- on the personal time, I guess. I did ask about
- 19 voting, and I still have not heard yet.
- 20 Had you ever had asked about voting in the 21
- past?
- 22 Not with Miss Williams. I asked about
- voting. As a clear example, I asked about voting,
- getting be able to have that two hours, especially
- now, where everybody talking about six-hour waiting

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- line. They said, well the person who handles the
- time indicated to me, you don't work until 10 o'clock. Who handles the time? Q.
- Nancy Clark. Α
- Is she a Team lead? 0
- 6 A No. She handles all our personal vacation
- time, et cetera, and I had to -- I submitted my
- request, and I still haven't to date got any feedback,
- or -- you know, if I can go vote.
- Q Let's talk about Mr. Bethea. Did he -- if you were late, log -- if you logged in a few minutes
- 11 12 late, would he require you to change your time cards?
 - Α
 - Q What about personal time with Mr. Bethea?
- 15 Á
 - 0 He would not make you change your time
- 17 card?
- 18 A No. sir.
- 19 Is that correct?
- 20 I never have been asked to. I had maybe
- one or two emergencies that I can remember, because
- there was a couple of emergencies that I had. I had
- to leave, and I came back, but I had to leave because
- my wife was out, stranded in the middle of nowhere.
- 25 But it's -- it's unwritten policy. You know, if you

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- are on that list, yes, you're going to get you're going - I guess get dressed - you know, get dressed
- down, but if you are not or whatever, they really there's almost like, you do what you want to.
 - Q If you are on the list? What list?
- A If you are not considered, you know, one of
- their favorite employees, I guess, whatever. If you
- have some history about of abusing the situation, I
- guess that, which is which is not, you know --
- Q Are you saying that people who are not on 10 11 the list as you described it, get more leeway to take
- 12 personal time?
- 13 A Oh, yeah. Yes. All you got to do is look 14 at Avaya. Everything is recorded. Everything is
- 15 recorded, you know. All you got to do is look at your 16 reports.
- 17 Who are the people not on the list now?
- 18 Oh, I don't - she has her folks, man. 1
- 19 just don't - I don't know which is which. Because,
- see, when you make a statement when you name names,
- you know, you have to have privy to all that
- 22 information to make that statement, but people are not
- 23 around, they're not around, you know.
- 24 Q So you have observed some people who are on
 - the phones under Miss Williams -